

Submitted February 9, 2011

Approved As of

Date February 9, 2011

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION  
MEETING NO. 01-2011  
Wednesday, January 12, 2011**

The City of Rockville Planning Commission convened in regular session in the Mayor and Council Chambers at 7:00 p.m., Wednesday, January 12, 2011.

**PRESENT**  
**John Tyner, Chair**  
**Jerry Callistein**  
**Don Hadley**  
**David Hill**  
**Kate Ostell**  
**Tracy Pakulniewicz**  
**Dion Trahan**

**Absent:** None.

**Present:** Susan Swift, Director of CPDS  
Andy Gunning, Assistant to the Director of CPDS  
Marcy Waxman, Senior Assistant Attorney  
Jim Wasilak, Chief of Planning  
Bobby Ray, Principal Planner  
Margaret Hall, Planner II  
Tyler Tansing, Commission Secretary

Commissioner Pakulniewicz announced her resignation from the Planning Commission on which she has served for four years. She noted her reason for retiring in that she would be residing outside of the City limits.

**REVIEW AND ACTION**

**Final Record Plat PLT2011-00507, Xinghu Liu - to combine three existing lots into a single record lot of 9,000 square feet in the R-60 Zone at 102 Grandin Avenue.**

Ms. Hall presented the staff report.

### Questions for staff from the Commission:

Would there be any development rights as a result of this action that would impact the neighbors; and, whether this Record Plat complies with both the Comprehensive Master Plan and the East Rockville Neighborhood Plan.

Mr. David Miller, Surveyor, stated that he did not have anything further to add, as the staff report was very thorough.

Commissioner Hill moved, seconded by Commissioner Pakulniewicz to approve Final Record Plat PLT2011-00508 per staff recommendations and with the finding that Condition 1 of Section 25.21.03 is supported by the facts that this lot has existed in its condition since well before October 1957. The motion passed on a vote of 7-0.

## **COMMISSION ITEMS**

### **Chief of Planning Report**

Mr. Wasilak reported that there are no land use items for next meeting on January 26, 2011.

Commissioner Hill suggested that the Commission could have a worksession to discuss important issues.

### **Old Business**

#### **Clarification of Commission's decision on Final Record Plat 2011-00506, Snider & Associates, Wall Street**

Ms. Waxman discussed the voting process regarding Final Record Plat PLT2011-00506.

Questions from the Planning Commission regarding whether Final Record Plats should be placed on Planning Commission agendas due to the lack of available discretion in approving them.

Ms. Hall explained the procedures and why the Planning Commission must act on them.

Commissioner Tyner stated that, in the future, there will be more of these plats because of infill and the Commission must be clear on the requirements.

Ms. Hall said she talked to the surveyor and he explained to her what he did when surveying the subject lot on Wall Street.

### **New Business**

Commissioner Hill stated that the Commission received notice that an APFO member needed to

resign for personal reasons. He said at the time the Commission made that appointment, it was decided to set up the contingency of having an alternate appointment lined up. He has spoken to that person, Tom Gibney and he is willing to serve if he is appointed.

Commissioner Hill moved the appointment of Tom Gibney per Resolution 3-10. Commissioner Callistein seconded the motion. The motion passed on a vote of 7-0.

In response to the Commission, Mr. Wasilak stated that the first APFO Committee meeting is scheduled for January 27th. The meeting will be held in the Blackeyed Susan Conference room.

Commissioner Tyner mentioned several issues to think about and further discuss at future meetings. He further explained.

Commissioner Tyner brought up the Rockville Pike Plan that was discussed before the Mayor and Council on Monday night, and he feels that the Form Code should be revisited, and that the Rockville Pike Plan cannot go forward as long as the Zoning Ordinance, Comprehensive Transportation Review, as well as some of the APFO comments need to be adjusted. The Commission needs to be updated on these issues for the sake of the citizens. Commissioner Tyner further discussed other issues to be discussed in open meeting sessions.

Ms. Swift questioned the Commission regarding some of the issues. Commissioner Tyner further explained.

## **Minutes**

Commissioner Pakulniewicz moved, seconded by Commissioner Ostell to approve the minutes of Meeting No. 22-10 as submitted. The motion passed on a vote of 7-0.

Commissioner Hill moved, seconded by Commissioner Ostell to approve the minutes of Meeting No. 23-10 as amended. The motion passed on a vote of 6-0-1 with Commissioner Trahan abstaining.

## **FYI Correspondence**

None

## **ADJOURN TO EXECUTIVE SESSION**

At 7:46 p.m., The Planning Commission adjourned to Executive Session pursuant to Section 10-508(a)(7) of the State Government Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice regarding the court decision in Edmonston v. Mayor and City Council of Rockville, et al (Champion Billiards)

Motion moved by Commissioner Hill, seconded by Commissioner Callistein. Motion passed

unanimously.

**PRESENT**  
**John Tyner, Chair**  
**Jerry Callistein**  
**Don Hadley**  
**David Hill**  
**Kate Ostell**  
**Tracy Pakulniewicz**  
**Dion Trahan**

**Absent:** None.

**Present:** Bridget Donnell Newton, Council Liaison  
Susan Swift, Director of CPDS  
Andy Gunning, Assistant Director of CPDS  
Marcy Waxman, Senior Assistant Attorney  
Jim Wasilak, Chief of Planning  
Bobby Ray, Principal Planner  
Margaret Hall, Planner II  
Tyler Tansing, Commission Secretary

Respectfully Submitted,

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Tyler Tansing, Commission Secretary